

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:23-00142

KEITH DESHON ADAMS

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant's motion to continue the suppression hearing, currently scheduled for March 5, 2024, and his trial and related deadlines. (ECF No. 33). In support of his motion and the need for a continuance, counsel for defendant states that additional time is needed to request and receive discovery related to his suppression motion. Counsel also acknowledges that the trial date of March 26, 2024, will need to be continued to accommodate the request for further discovery and a newly-scheduled suppression hearing. Counsel for the government does not oppose defendant's request for a continuance.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** the motion to continue. In deciding to grant the motion to continue, the court considered the factors outlined in 18 U.S.C. §3161(h)(7)(B) and found that failure to grant a continuance would unreasonably

deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, the court hereby **ORDERS** as follows:

1. Trial of this action is continued until May 7, 2024, at 9:30 a.m., in Charleston. Jury instructions and proposed voir dire are to be filed by April 30, 2024;
2. A suppression hearing is scheduled for April 11, 2024, at 11:00 a.m., in Charleston;
3. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 4th day of March, 2024.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge